

From: David Haas
To: Microsoft ATR
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Subject: Microsoft Settlement

Hello. I would like to comment on a problem I see with the proposed Microsoft settlement.

The remedies of the proposed settlement are specifically geared to protect commercial organizations - companies in business to make a profit. However, Microsoft has stated that their biggest threats come not from competing companies, but from Open Source initiatives such as the Apache web server or the Samba file & print sharing server.

This proposed settlement provides no protection whatsoever to these initiatives. In fact, Section III(J)(2) specifically states that Microsoft need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business. Section III(D) of the settlement also limits knowledge of API's for incorporating non-Microsoft "middleware" (such as web or file servers) to only commercial entities - not open, non-profit initiatives such as Apache or Samba.

Any settlement which doesn't prevent Microsoft from arbitrarily changing protocols or API's on its Windows platform to shut out such open initiatives would be a terrible mistake. Microsoft has been found guilty of unfairly using its monopoly in operating systems to extend into other areas and lock competition out. Any settlement with the company should ensure this practice doesn't continue.

Thank you.

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"The itchier the culture, the more arms the gods have."

"Engineers believe they are incredibly special and full of special unique specialness."